

E-FILED

United States District Court

~~FED~~

NORTHERN

DISTRICT OF

CALIFORNIA

2007 SEP .5 AM 11:22

UNITED STATES OF AMERICA

V.

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DISTRICT COURT
CRIMINAL COMPLAINT

Everardo VALENZUELA-Ruiz

CASE NUMBER: 07-70517 PVT

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 23, 2007, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
 I further state that I am a(n) Deportation Officer and that this complaint is based on the following
 facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: Yes No

Signature of Complainant

Sworn to before me and subscribed in my presence,

9/5/07
Date

at San Jose, California
City and State

Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

Patricia V. Trumbull

RE: Everardo VALENZUELA-Ruiz**A 92 750 440**

I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Everardo VALENZUELA-Ruiz (AKA: This DEFENDANT has thirty-one Alias's), is a 50 year-old single male whose date of birth is currently understood to be September 23, 1956. He is a citizen and native of Mexicali, Mexico as substantiated by multiple sworn statements made to that effect by the DEFENDANT. The most recent of which was in an interview that was initiated on May 23, 2007 at Soledad State Prison by ICE Immigration Enforcement Agent (IEA) Alex Felix of the San Jose, California DRO Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A 92 750 440, FBI number of 0083082T3, and California Criminal State ID Number of A06462470;
- (3) On February 10, 1989, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director San Diego, California and ordered deported from the United States to Mexico;
- (4) On March 2, 1990, the DEFENDANT was convicted in U.S. Federal Court, Southern District of California, for the offense of Illegal Reentry into the United States, a misdemeanor, in violation of Title 8 USC Section 1325 and sentenced to 179 days in jail;
- (5) On March 9, 1993, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director Los Angeles, California and ordered deported from the United States to Mexico;
- (6) On August 17, 1994, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director Los Angeles, California and ordered deported from the United States to Mexico;
- (7) On March 10, 1999, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director Los Angeles, California and ordered deported from the United States to Mexico;

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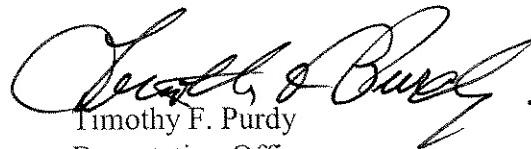
A 92 750 440

- (8) On October 5, 2001, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director Los Angeles, California and ordered deported from the United States to Mexico;
- (9) On August 2, 2002, was convicted in the Superior Court of California/County of Los Angeles {Central District}, for the offense of: POSSESSION OF A CONTROLLED SUBSTANCE FOR SALE/*BASE COCAINE*, a felony, in violation of California Health and Safety Code Section 11351 and was sentenced to two years in prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(B);
- (10) On August 25, 2003, the DEFENDANT was determined to be unlawfully present in the United States by the Field Director for DRO San Diego, California and ordered deported from the United States to Mexico;
- (11) On July 22, 2006, the DEFENDANT was determined to be unlawfully present in the United States by the Field Office Director Diego, California and ordered deported from the United States to Mexico;
- (12) On December 11, 2006, was convicted in the Superior Court of California/County of Los Angeles, for the offense of: POSSESSION OF A CONTROLLED SUBSTANCE, a felony, in violation of California Health and Safety Code Section 11350(A) and was sentenced to one year and four months in prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(B);
- (13) On, May 23, 2007, the Defendant was encountered by IEA Alex Felix, at Soledad State Prison, and determined to be unlawfully present in the United States after a prior deportation. IEA Felix read the DEFENDANT of his Miranda rights in the Spanish language. The DEFENDANT waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States. This is this DEFENDANT'S third written sworn statement attesting to his alienage;

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- (14) The DEFENDANT'S official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (15) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 5 day of September 2007



Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE